

To the honorable the Commissioners for COMPOVNDING:

The humble Petition of Josiah Primatt, Citizen and Leather-seller of London:

SHEWETH,

That the Collyerie of *Harraton* in the County of *Durham*, consisting of four Seams of Coal, distinguished by the names of the half Yard, three quarter, five quarter, and nine quarter Coale, and that one moiety of the Five and Nine quarter Seames of Coal in the said Collyerie were wrought under your Petitioners title, one of them untill 1640. and the other untill 1642. and from that time, both the said Seams of coals lay drowned and unwrought untill 1647. at which time your Petitioners tenants (viz.) Mr. *George Lilburn* and Mr. *George Gray* the younger, as to one moiety, and the tenants of one *Comendale*, and one *Mercalf*, as to another fourth part of the said Seams of coal, undertook to regain and work the said 5 and 9 quarter Seams of coals, and by the expence of near 2000*l*. they did regain and work the same untill May 1648. at which time the Mynes were fired, and above 50. persons lives lost thereby, and within two months after by a great flood, the said Mynes were drowned again, and by the end of that year were regained again by the vast expence of your Petitioners said tenants, *George Lilburn* and *Geo ge Gray*, who enjoyed the same untill September 1649. And within two months after were Sequestred by Sir *Arthur Haselrig*, &c. and by Souldiers violently taken from your Petitioners said tenants, merely out of pretence that they were Sequestred in 1644. as belonging to one *Thomas Wray* of *Beamish* in the said County, a Papist Delinquent.

That before that day of Sequestration, your Petitioner went down into the County of *Durham*, and by his Councell desired the Committee there, that the said Mr. *Wray* might shew his title, and evidence to the said Mynes, or that any Order in 1644. for sequestering the same as belonging to the said Mr. *Wray*, might be produced; but upon the day of hearing before the Committee of *Durham*, no such Order could be produced, and it would not be permitted by Sir *Arthur Haselrig* that the said *Wray* should shew any title thereunto, as is already deposed before your Honors, by divers witnesses then present.

That your Petitioner thereupon appealed to your Honors, and after long attendance, coming to a hearing about the seven and twentieth of *February* last, the deposition of the said *Wray* in Chancery, not being allowed to be used, although in *October* 1641, he positively swore that he had no interest at all in the 5 and 9 quarter coal, but a fourth part; which Oath in any Court in *England*, ought not to be denied for good evidence against himself, and the depositions of other witnesses being laid aside as parties, although they offered their Oaths that they had no Interest therein in Law or equity, and there was no writing purporting the same; Your Petitioner thereupon was necessitated to withdraw his Petition, and to present a new Petition according to your Order, stating his title unto the 5 and 9 quarter Seams of coal, and his possession thereof, and to send above two hundred miles for several witnesses to prove the same; and your Committee of *Durham*, and Mr. *Fowle*, were ordered to take a special care of the Commonwealths Interest therein, and Mr. *Wray* was ordered to be at the hearing, and to have moneys allowed him for his charges, and to bring with him all his deeds and evidences concerning the same.

That your Petitioners witnesses being examined, and according to your Order, publication had, and a report of the state of the case being drawn by Mr. *Reading*, you were pleased to appoint a day for hearing the case, and to order that Mr. *Wray* should be present at the same to produce his deeds, and evidences; and a second day of hearing was appointed, and the said *Wray* ordered again to be there; and he not coming, it was pretended, that the reason was because he had not a licence from the Councell of State to come to *London*, although your own Officers had for about a month been ordered to procure such a licence, whereupon your Petitioner undertook to procure such a licence, and in one afternoon did procure the same, and sent it down by the Post.

That now the said *Wray* having been come to *London* above a week, your Petitioner expected his hearing, according to your several Orders, and that Mr. *Wray* should have brought his evidences into Court; but in stead hereof on *Friday* last, he findes Mr. *Wray* Petitioning for three months longer time, but states no title at all, nor produceth any deed according to your several Orders in the said case, nor names any deed of any date; that he would have time to prove; and at last makes Oath that he hath material witnesses to examine, but names not unto what, and being asked who they were, he said in open Court, he knew not; yet contrary to the Rules of all Courts of Justice in *England*, that Affidavit of the said *Wray* was admitted by your Honors, as sufficient to give him a longer time.

That your Petitioner humbly offers it to you, that by confession of all parties, you took the said 5, and 9 Quarter Seames of Coals out of your Petitioners possession in 1649. and that in near two years time since, no proof is offered on the behalf of the State, that the State was ever in possession of the said Seames of Coal by Sequestration, which ought to have been upon Record, if it had been so, and that your Petitioner hath proved by many sufficient Witnesses, that the 5, and 9 Quarter Seames of Coale was never wrought from 1642, till 1647. when they were Wonn and Wrought by your Petitioner and his Tenants and others: Claiming from *Mercalf* and *Comendale*; and that in such Cases, by your own Rules, you doe take away no mans possession, untill the States title thereunto appears: And if it be doubtfull, you suffer the Possessor to enjoy it upon Security.

He further offers, That in case the said 9, and 5 Quarter Seams of Coal should by ill management be drowned, fired, or the Pits Wrought out, a vast summe of Money would not recover the same, and he knows not how he shall be repaired.

He therefore humbly prays,

That he may either be restored to his possession, upon proof hereof now before you, at least upon Security, which you doe in Ordinary Cases, upon an Affidavit only; Or otherwise that his Case may be heard forthwith, no Title ever yet being set up against him.

And your Petitioner shall ever pray, &c.

Josiah Primatt.

